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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 10 1986

REPLY TO THE ATTENTION OF:
Ohio Drum Reconditioning

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Ohio Drum Reconditioning Site
Cleveland, Ohio

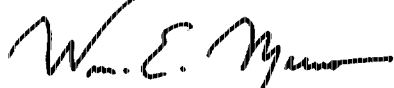
Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 4 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Kevin C. Chow, Assistant Regional Counsel, at (312) 353-6181 or Joseph Fredle, On-Scene Coordinator, at (216) 522-7260.

Sincerely yours,


William E. Muno, Director
Superfund Division

Enclosure

cc: Janice A. Carlson, OEPA Superfund Coordinator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:) Docket No. V-W- '96-C-360
)
Ohio Drum Reconditioning Site) ADMINISTRATIVE ORDER
) PURSUANT TO SECTION 106(a)
) OF THE COMPREHENSIVE
) ENVIRONMENTAL RESPONSE,
Respondents:) COMPENSATION, AND
) LIABILITY ACT OF 1980,
Listed in Attachment A) AS AMENDED, 42 U.S.C.
) SECTION 9606(a)

I. JURISDICTION AND GENERAL PROVISIONS

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 3965 West 25th Street and the lot immediately to the south at 3970 West 25th Street, Cleveland, Ohio (the "Ohio Drum Reconditioning Site" or the "Site"). This Order requires the Respondents to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

U.S. EPA has notified the State of Ohio of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

This Order applies to and is binding upon Respondents and Respondents' heirs, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this

Order. Compliance or noncompliance by one or more Respondent with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance.

III. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. Ohio Drum was a drum washing and reconditioning facility. It consists of one building and is bordered by a swamp to the south, and the Buckeye Metals facility and Brookside Auto Parts to the west. The facility is fenced only on the west side. Residential properties and a playground lie along a hillside to the east of the Site. It is estimated that 1,500 people live and 300 people work within 1,000 feet of the Site.
2. In 1979, the U.S. EPA conducted an inspection of the Ohio Drum facility. Inspectors observed a visible plume of contaminants entering Big Creek, a tributary of the Cuyahoga River and Lake Erie. Subsequent sampling indicated that Ohio Drum was discharging organic chemicals, polychlorinated biphenyls ("PCBs"), and heavy metals through a nearby swamp and into Big Creek. Sampling done by U.S. EPA in 1980 found high levels of PCBs (17,100 parts per million ["ppm"]), cadmium (120 ppm), chromium (880 ppm), lead (6,400 ppm), and mercury (86 ppm) in the swamp.
3. In May 1981, the U.S. EPA hired a contractor using the 311(k) fund of the Clean Water Act to dig a bypass ditch to prevent water flowing into the contaminated swamp, and to stop the leaching of contaminants into Big Creek. An earthen berm was constructed along the west and south sides of the swamp to prevent leaching.
4. In 1981, Ohio Drum Reconditioning Company, Inc. stopped operations and sold their equipment to Lomack Drum Co. who continued to operate the facility until a fire occurred in 1984. The Site has been abandoned since that time.
5. On March 3, 1991, U.S. EPA's Technical Assistance Team ("TAT") members performed a site assessment for the Ohio Drum Reconditioning Site. TAT members also noted human and animal footprints in the snow, and ducks were observed on the surface of the swamp during a subsequent site visit. Inspection of the swamp indicated that leachate was seeping from the southeastern end of the earthen berm. Soil/sediment samples from around the facility and in the swamp area were taken.

Samples from the top few inches of the swamp sediment found PCBs (170 ppm), lead (4,700 ppm), mercury (100 ppm), chromium (710 ppm), cadmium (100 ppm), and numerous polynuclear aromatic hydrocarbon ("PAH") compounds. Samples taken in Big Creek downstream from the swamp by U.S. EPA on this date indicated that levels of PCBs, chromium, naphthalene, benzo-a-pyrene, chrysene, benzo-a-anthracene, fluoranthene, benzo-k-fluoranthene and indeno (1,2,3-cd) pyrene were higher in downstream sediments than upstream sediments. These sediments will not be addressed in this removal action. These samples indicate that numerous CERCLA-hazardous substances are being released from the swamp and are impacting Big Creek. It should also be noted that levels of PCBs (64 ppm), and lead (2,700 ppm) found on the Ohio Drum property are also a concern, and will be addressed in this removal action.

6. In May 1992, samples of the contaminated sediment in the swamp were collected by the Environmental Response Team. The analysis found PCBs (31,000 ppm), lead (8,910 ppm), chromium (1,073 ppm), cadmium (46 ppm), and mercury (1,015 ppm).
7. On July 29, 1992, heavy rains occurred in the Big Creek watershed causing flooding along Big Creek. On July 30, U.S. EPA's On-Scene Coordinator ("OSC") and TAT conducted a site visit and found that the contaminated swamp had been flooded the day before causing the probable release of CERCLA-hazardous substances to Big Creek.
8. On April 29, 1996, U.S. EPA collected additional grab samples from the surface of the swamp and found PCB contamination as high as 368 ppm. This is an area that people can still come in direct contact with.
9. The Ohio Drum Reconditioning Site includes the Ohio Drum property, the adjacent swamp (on Brookside Auto Parts' property), and any other areas where hazardous substances have migrated from the Ohio Drum property.
10. The Ohio Department of Health and the Agency for Toxic Substances and Disease Registry ("ATSDR") have recently completed an evaluation of this Site, and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this Site. To date, there have been no State or local actions taken at this Site, nor are any actions anticipated. The Ohio Environmental Protection Agency ("OEPA") has been informed of U.S. EPA's proposed activities at this Site.

IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

1. The Ohio Drum Reconditioning Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. PCBs, mercury, lead, chromium, cadmium, and PAHs are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
4. Respondents Brookside Auto Parts, Inc., Mr. David Tvert, and Mr. Elmer Freiberg are the present "owners" and "operators" of the Ohio Drum Reconditioning Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents Archer-Daniels-Midland Company, Ashland Chemical Company, City Barrel & Drum Co., Cuyahoga Chemical Company, C. DeSantis Paints Manufacturing Company, Waterlox Coatings Corporation f/k/a Empire Varnish Company, General Steel Barrel Company, Baltimore-Ennis Land Company f/k/a Gibson-Homans, Leeco Corporation, The Lincoln Electric Company, Lomack Drum Company, Ohio Drum Reconditioning, Inc., Werner G., Smith, Inc., Technical Products, Inc., U.S. Steel-Lorain Works, and Youngstown Barrel & Drum Co., are either persons who at the time of disposal of any hazardous substances owned or operated the Ohio Drum Reconditioning Site, or who arranged for disposal or transport for disposal of hazardous substances at the Ohio Drum Reconditioning Site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).
6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:
 - a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants; this factor is present at the Site due to the existence of the Ohio Drum Reconditioning Site's location in a mixed residential and commercial area. The nearest residence and a playground are approximately 200 feet from the Ohio Drum Reconditioning Site. The contaminated area

is unsecured and human and animal footprints have been found in the swamp indicating that the public may have been exposed to contamination as high as the following levels via direct contact with sediment, according to the May 1992 sampling:

PCBs - 31,000 ppm
mercury - 1,015 ppm
lead - 8,913 ppm
chromium - 1,073 ppm

Such high levels of lead and mercury could cause or contribute to lead or mercury poisoning of those (especially children) that come in contact with or live near this Site. Lead poisoning causes learning disabilities, hyperactivity, low IQs, delayed growth, hearing loss and shortened attention spans in children. Other effects on the public in general could be paralysis of wrist and ankle muscles, encephalopathy, anemia and kidney disease. Mercury poisoning could cause respiratory and digestive problems, renal damage, and neurologic disturbances. High level exposure to chromium could cause pulmonary problems. PCB exposure can cause skin and liver problems. Lead, cadmium, chromium and PCBs are all suspected carcinogens. The Ohio Department of Health and ATSDR have recently completed an evaluation of this Site and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this site. Children have been seen playing in the area and also have been observed wading in Big Creek adjacent to the Site. There is also a rope swing at the bank of Big Creek adjacent to the leachate seepage stream from the contaminated swamp. Footprints indicate that the public, probably children, have been in contact with this leachate seepage. During dry periods, the contaminated swamp has been observed to be completely dried out. Under such dry conditions, it is possible that loose contaminated sediments could become windborne and carried off-site.

Lead is toxic by ingestion and inhalation of dust or fume and is considered a cumulative poison. The highest concentration of lead present at the Site, according to the May 1992 sampling, is 8,910 ppm in swamp sediments. U.S. EPA's screening level for lead is 400 ppm according to U.S. EPA's Revised Interim Soil Lead Guidance for CERCLA Sites and Resource Conservation and Recovery Act ("RCRA") Corrective Action Facilities, OSWER Directive #9358.4-12, dated 7/14/94. Possible routes of exposure would be inhalation of windborne sediment/soil particles and direct contact with contaminated sediments/soils. The U.S. EPA ambient air standard is 1.5 $\mu\text{g}/\text{m}^3$. The National Institute for Occupational Safety and Health ("NIOSH") recommends a Time Weighted Average ("TWA") of 0.100 mg/m^3 for occupational exposure, and air concentrations must be maintained so that worker blood levels remain below 0.060 $\text{mg}/100\text{g}$ of whole blood.

PCBs are classified according to the percent chlorination of a particular mixture. The higher the chlorine content of the diphenyl compound, the more toxic it is liable to be. Aroclor 1254, which is the predominant mixture present at the Ohio Drum Reconditioning Site, has an oral LD₅₀ (Lethal Dose, the concentration which elicits mortality in 50 percent of the exposed population) in the rat of 1,295 milligram per kilogram ("mg/kg") and a skin TD_{Lo} (Toxic Dose, the lowest concentration which elicits an adverse response) of 4 mg/kg on a mouse. NIOSH recommends that exposure to Aroclor 1254 be limited to a TWA of 0.001 mg/m³ and classifies the Aroclors as suspected human carcinogens.

The concentrations of PCBs detected at the Ohio Drum Reconditioning Site exceed the recommended action levels stated in U.S. EPA's August 15, 1990, "Guidance on Remedial Actions for Superfund Sites with PCB Contamination" (OSWER Directive 9355.4-01), as well as the regulatory action level established under the Toxic Substances and Control Act ("TSCA") regulations and the National PCB Spill Cleanup Policy, 40 CFR Part 761, Subpart G. There is potential for migration and exposure to PCBs from the locations where they were detected on the Ohio Drum Reconditioning Site since the Site is freely accessible. In 1976, use of PCBs in the United States was discontinued due to their persistence, toxicity, and ecological damage. The potential pathways of human exposure are direct dermal contact, possible ingestion of contaminated soils, and inhalation of windborne dust particles. Exposure to humans and wildlife is presently occurring, as evidenced by the footprints through the sediment and a pair of ducks were seen on the surface of the swamp. Wildlife, such as the ducks, are at risk because of bioaccumulation in the organisms lower in the food chain on which they feed.

Metallic mercury is highly toxic by skin absorption, ingestion and inhalation of fume or vapor and both inorganic and organic compounds are also considered toxic. The LC_{Lo} by inhalation in the rabbit is 29 mg/m³. NIOSH recommends a TWA of 0.05 mg/m³ for occupational exposure and an Immediately Dangerous to Life and Health ("IDLH") of 28 mg/m³. The highest concentration of mercury detected on site was 1,015 ppm in soils. Potential exposure pathways would be inhalation of windborne sediment/soil particles, ingestion of contaminated sediments/soils, and dermal absorption by direct contact.

NIOSH recommends that exposure to chromium metal be limited to a TWA of 0.5 mg/m³. The NIOSH TWA for hexavalent chromium compounds is 0.001 mg/m³. NIOSH considers all hexavalent chromium compounds to be potential occupational carcinogens. The highest concentration of chromium detected on site was 1,073 mg/kg in the swamp soils. This chromium could potentially pose a threat to human health if the swamp should

dry up and contaminated sediments become windborne. The toxicity characteristic leaching procedure ("TCLP") regulatory limit for chromium is 5,000 parts per billion ("ppb"). The Big Creek sediments downstream of the Site were found to have increased 8,000 ppb over the upstream sampling result for chromium, illustrating the influence of nearby contamination from the Site on the creek. There is the potential for ingestion of contaminated sediments or soils, direct contact, and food chain contamination.

Other synergistic chemicals adding to the risks are phenanthrene, fluoranthene, pyrene, benzo-(a)-anthracene, chrysene, benzo-(b)-fluoranthene, benzo-(k)-fluoranthene, benzo-(a)-pyrene, indeno-(1,2,3-cd)pyrene and benzo-(g,h,i)-perylene, classified as polynuclear aromatic hydrocarbons ("PAHs"). All are considered insoluble in water and are derived from coal tar or are incomplete combustion products of fossil fuels. Several of these compounds are suspected human carcinogens and exposure to any concentration should be avoided. PAHs were found in the swamp soils and in the downstream creek sediments. Total PAHs found in the sediments of leachate seepage area and Big Creek were 18,605 ppb. A pathway for exposure of PAHs is the leachate of contaminated water from the swamp or, if the earthen dam containing the swamp flooded, there could be additional contamination of Big Creek, a tributary to Lake Erie. Another potential pathway of exposure would be ingestion of contaminated soil/sediment. Children have been seen playing on the site and wading in Big Creek and are being exposed to these contaminants. Many human footprints have been seen in the leachate seepage. Although the water is not used for drinking in this area, recreational ingestion may be a path of exposure. The Ohio Department of Health and ATSDR have recently completed an evaluation of this site and have recommended that U.S. EPA take immediate steps to remove contaminated soils and sediments from this Site.

The sample results also indicate that PCBs, PAHs and chromium are leaching from the Site into Big Creek and could enter the food chain. Sampling results on Big Creek sediments taken downstream of the Site for the following contaminants indicate that they have increased over upstream sediment concentrations according to the March 1991 sampling:

<u>Contaminant</u>	<u>Increase (ppb)</u>
chromium	8,000
PCBs	20
phenanthrene	440
anthracene	75
fluoranthene	460
pyrene	470
benzo-a-anthracene	180
chrysene	220
benzo-a-pyrene	180
2-methylnaphthalene	94
naphthalene	57
fluorene	92
benzo-k-fluoranthene	550
indeno (1,2,3-cd) pyrene	200
benzo (g,h,i) perylene	230
dibenzofuran	71

b. High levels of hazardous substances, pollutants or contaminants in soils largely at or near the surface, that may migrate; this factor is present at the Site due to the existence of contaminants that have migrated from the Ohio Drum Reconditioning Site to the swamp, and then from the swamp to Big Creek.

c. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; this factor is present at the Site due to the existence of the contaminated swamp located in a low lying area next to Big Creek. This area is prone to flooding which could flush contamination into the waterway. Also, when the weather is dry for a few weeks, the sediments dry out and can be carried by the wind to the nearby residential and playground areas.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 2 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions themselves or retain contractors to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractors, whichever is applicable, within 10 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 10 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

The U.S. EPA has designated Joseph Fredle of the Emergency Response Branch, Region 5, as its OSC. Respondents shall direct all submissions required by this Order to the OSC at U. S. Environmental Protection Agency, Eastern District Office, 25089 Center Ridge Road, SE-W, Westlake, Ohio 44145-4179, by certified or express mail. Respondents shall also send a copy of all submissions to Kevin C. Chow, Assistant Regional Counsel, 77 West Jackson Boulevard, C-29, Chicago, Illinois, 60604-3590. All

Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. Establish site security.
- b. Develop and implement a site Health and Safety Plan.
- c. Identify, inventory, and characterize all hazardous substances contained in the soil and sediments on site.
- d. Excavate, treat, and dispose of off-site all soils and sediments that contain PCB contamination of 25 ppm or greater, or that are contaminated with lead above a site-specific cleanup level to be determined by U.S. EPA through use of the Integrated Exposure Uptake Biokinetic ("IEUBK") model for lead or by other appropriate method. Cover in place all soils and sediments that contain PCB contamination between 10 and 25 ppm PCBs.
- e. Impose deed restrictions or other appropriate institutional controls on affected properties.

3.1 Work Plan and Implementation

Within 15 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised draft Work Plan within 7 business days of notification. Respondents shall implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.

Respondents shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

3.2 Health and Safety Plan

Within 15 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

3.4 Reporting

Respondents shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Ohio representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractors, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information, in their possession or the possession of their contractors, subcontractors or representatives, relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA Section 121(e) and 40 CFR Section 300.415(i). In accordance with 40 CFR Section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required

actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

VIII. REIMBURSEMENT OF COSTS

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Ohio Drum Reconditioning Site" and shall reference the payors' names and addresses, the U.S. EPA site identification number (26), and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate

and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

X. OTHER CLAIMS

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

XI. MODIFICATIONS

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Superfund Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondents may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide written notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondents may contact Kevin Chow, Assistant Regional Counsel, at (312) 353-6181 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

XIV. OPPORTUNITY TO CONFER

Within 4 business days after issuance of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 2 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against a Respondent), in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Kevin Chow, Assistant Regional Counsel, at (312) 353-6181. Written submittals shall be directed as specified in Section V.2 of this Order.

XV. SEVERABILITY

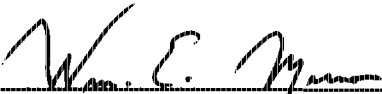
If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

XVI. EFFECTIVE DATE

This Order shall be effective 5 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 1 business day after the day of the conference.

IT IS SO ORDERED

BY: _____


William E. Muno, Director
Superfund Division
United States
Environmental Protection Agency
Region 5

DATE: _____

9/10/96

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING, INC. SITE
CLEVELAND, OHIO

UPDATE #3
APRIL 10, 1996

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
06/28/96	Fredle, J., U.S. EPA	Muno, R., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the Ohio Drum Reconditioning, Inc. Site, Cleveland, OH	18

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING, INC. SITE
CLEVELAND, OHIO

UPDATE #2
MARCH 13, 1996

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
06/12/92	Beals, R., Ohio EPA	Fredle, J., U.S. EPA	Letter re: Site Summary and Support for U.S. EPA Assistance	2
06/29/93	Shelley, T., Ohio Dept. of Health	Muno, B., U.S. EPA	Health Consultation, Ohio Drum Reconditioning Site, Cleveland, OH w/Cover Letter	12

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

GUIDANCE ADDENDUM TO THE
ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING COMPANY, INC.
CLEVELAND, OHIO

NOVEMBER 7, 1994

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
09/01/89	OSWER/ U.S. EPA	U.S. EPA	Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites	3
01/26/90	OSWER/ U.S. EPA	U.S. EPA	Supplement to Interim Guidance on Establish- ing Soil Lead Cleanup Levels at Superfund Sites (OSWER Directive #9355.4-02A)	2
05/07/90	OSWER/ U.S. EPA	U.S. EPA	Interim Guidance on Establishing Soil Lead Cleanup Levels at RCRA Facilities	2
06/21/90	OSWER/ U.S. EPA	U.S. EPA	Cleanup Level for Lead in Ground Water	4
08/15/90	OSWER/ U.S. EPA	U.S. EPA	Guidance on Remedial Actions for Superfund Sites with PCB Contamination (OSWER Directive #9355.4-01)	79
08/29/91	OSWER/ U.S. EPA	U.S. EPA	Update on OSWER Soil Lead Cleanup Guidance	4
07/01/93	40 CFR Ch. 1		Subpart G: PCB Spill Cleanup Policy (52 FR 10705: April 2, 1987)	6

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING COMPANY, INC.

UPDATE #1
CLEVELAND, OHIO

April 16, 1993

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
08/00/92	Roy F., Weston, Inc.	Zownir, A., U.S. EPA	Soil Sampling and Treatability Study	294

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
OHIO DRUM RECONDITIONING COMPANY, INC.

CLEVELAND, OHIO

ORIGINAL
June 5, 1992

DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
04/24/91	O'Neill, D., E & E	Heaton, D., U.S. EPA	Site Assessment	187
00/00/92	Adamkas, V., U.S. EPA	Clay, D., U.S. EPA	Action Memorandum (Pending)	

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

Liability File Index
FOR
OHIO DRUM RECONDITIONING SITE
CLEVELAND, OHIO

SEPTEMBER 1996

1. Memorandum from Kevin Chow to Ohio Site Reconditioning File, dated 9-5-96, titled "Statements by Elmer Freiberg Regarding Ohio Drum Reconditioning's Customers".
2. Title Search (Draft Report) from PRC to EPA, 9-26-91.
3. Multi-Site PRP Search, Draft Title Search Report from Dynamac to EPA, 7-5-96.
4. 12-11-92, Lomack Drum Co.'s Response to EPA's 11-12-92 Request for Information.
5. 12-11-92, L. Gray Barrel & Drum's Response to EPA's 11-12-92 Request for Information.
6. 1-2-92, Buckeye Metals Company's response to EPA's 11-13-91 Request for Information.
7. 12-19-91, Ohio Drum response to EPA's 11-7-91 Request for Information.
8. Undated, Ohio Drum response to EPA's 4-9-92 follow up Request for Information.
9. 1-7-93, Ohio Drum "response" to EPA's 11-12-92 second follow up Request for Information (Affidavits of Tvert and Freiberg).

ATTACHMENT A

LIST OF RESPONDENTS RECEIVING UNILATERAL ADMINISTRATIVE ORDER

Archer-Daniels-Midland Company
c/o C T Corporation System
Registered Agent
815 Superior Avenue, NE
Cleveland, Ohio 44114

Ashland Chemical Company
c/o Gertrude M. Kelly, Esq.
Law Department
Post Office Box 2219
Columbus, Ohio 43216

City Barrel & Drum Co.
2881 East 91st Street
Cleveland, Ohio 44104

Cuyahoga Chemical Company
c/o Mr. Paul A. Moffat
Registered Agent
270 Bradley Road
Bay Village, Ohio 44140

C. DeSantis Paints Manufacturing Company
4101 East 116th Street
Cleveland, Ohio 44105

Waterlox Coatings Corporation
f/k/a Empire Varnish Company
c/o Mr. John Hawkins, Manager
9808 Meech Avenue
Cleveland, Ohio 44105

Mr. Elmer Freiberg
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

General Steel Barrel Company
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

Baltimore-Ennis Land Company
f/k/a Gibson-Homans
c/o Karen A. Mignone, Esq.
Hannoch Weisman
Post Office Box 1040
Newark, New Jersey 07101-9819

Leeco Corporation
c/o Ms. Jeanette C. McIntyre
Registered Agent
Post Office Box 98
Madison, Ohio 44057

The Lincoln Electric Company
c/o H. Jay Elliott
Registered Agent
22801 St. Clair Avenue
Cleveland, Ohio 44117

Lomack Drum Company
c/o Mr. Lomack J. Gray
31370 Hiram Trail
Chagrin Falls, Ohio 44022

Ohio Drum Reconditioning, Inc.
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

Werner G. Smith, Inc.
c/o John E. Sullivan, Esq.
Baker & Hostetler
3200 National City Center
1900 East 9th Street
Cleveland, Ohio 44114-3485

Technical Products, Inc.
c/o Mr. Richard J. Kelly
Registered Agent
3500 Ridge Road
Cleveland, Ohio 44102

Mr. David Tvert
c/o Michael McMahon, Esq.
McMahon, DeGulis & Hoffman
The Kaxton Building
812 Huron Road, Suite 650
Cleveland, Ohio 44115-1126

U.S. Steel-Lorain Works
c/o USX Corporation
Law Department
Miles Stipanovich, Esq.
600 Grant Street, Room 1500
Pittsburgh, Pennsylvania 15219-2749

Youngstown Barrel & Drum Co.
c/o Mr. Louis Fish
Registered Agent
1043 Marble Street
Youngstown, Ohio 44502

bcc: Docket Analyst, ORC (C-29A)
Kevin Chow, ORC (C-29A)
Joe Fredle, OSC, SE-W
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Toni Lesser, Public Affairs (P-19J) w/out attachments
Don Henne, Department of Interior
Tony Audia (MF-10J)
Records Center (SMR-7J)
ERB Read File